

AMU

PETITION FOR ZONING VARIANCE * 316

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: **88-470-A**

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 307.1 of the Zoning Regulations of Baltimore County, to allow an accessory structure (detached garage) to be located in the side yard in lieu of the required rear yard.

1. Against County code for front
2. Septic in rear
3. Driveway paved on proposed side

Legal Owner(s):
Michael Chester Benicewicz, Sr.
Phyllis Ann Benicewicz

88 Opie Road 335-9356
White Marsh, Maryland 21162

ORDERED BY The Zoning Commissioner of Baltimore County, this 16th day of MARCH, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-out Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 27th day of MAY, 1988, at 9 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

IN RE: PETITION FOR ZONING VARIANCE
E/S Opie Road, 125' S of Baker Avenue (S Opie Road)
11th Election District
5th Councilmanic District
Michael C. Benicewicz, Sr., et al
Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-470-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit an accessory structure (detached garage) to be located in the side yard in lieu of the required rear yard, as more particularly described on Petitioner's Exhibit 1.

Testimony indicated that the subject property, known as 8 Opie Court, is zoned R.C.2. The Petitioner testified that he proposes constructing a detached garage for protection of vehicles and additional storage space. However, due to the location of the septic system in the rear yard, he must construct the garage in the side yard. The Petitioner testified that he chose the north side yard due to the fact that there is an existing driveway on that side of the property.

Petitioner indicated that he spoke to his neighbors who have no objection to proposal.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the variance requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and therefore should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in a practical difficulty and/or unreasonable hardship upon the Petitioners.

ORDER RECEIVED FOR FILING
Date 6/3/88
Michael C. Benicewicz, Sr.
88 Opie Road
11th E.D. - 5th C.D.

Mr. Michael C. Benicewicz, Sr.
8 Opie Road
White Marsh, Maryland 21162

RE: Petition for Zoning Variance
E/S Opie Road, 125' S of Baker Avenue
11th Election District, 5th Councilmanic District
Case No. 88-470-A

Dear Mr. Benicewicz:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been Granted, subject to the restriction noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

AMN:bjs
Enclosures
cc: People's Counsel
File

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3rd day of June, 1988 that the Petition for Zoning Variance to permit an accessory structure (detached garage) to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

AMN:bjs

ED FOR FILING
Benicewicz

RESUBDIVISION
LOTS - 234-235 & 239 THRU 244
BIRD RIVER BEACH (WPC-7/187)
11th ELEC. DIST. AUG. 22 1983

E. F. RAPHEL & ASSOC.
REGISTERED PROFESSIONAL LAND SURVEYORS
201 COURTLAND AVENUE
TOWSON, MARYLAND 21204

NOTE: BAKER & MAPLE AVE ARE NOW THRU STREETS

Zone Area RC-2

Vicinity Map

Plat for Zoning Variance
OWNER Michael & Phyllis Benicewicz, Sr.
DISTRICT 11 WPC 7/187
LOTS 236-238 / 239 thru 244 - See attached sheet.
Scale 1" = 100' (Water)
EXISTING 171' x 125'

"DUPLICATE"
CERTIFICATE OF PUBLICATION

TOWSON, MD. May 5, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on May 5, 1988.

THE JEFFERSONIAN,
Susan Sinden O'neill
Publisher

37.50

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 11/14 Date of Posting 5/10/88

Posted for: Variance

Petitioner: Michael C. Benicewicz, Sr.

Location of property: 88 Opie Rd, 125' S of Baker Ave

Location of Sign: 125' S of Baker Ave, 88 Opie Rd

Remarks: None

Posted by: Michael C. Benicewicz, Sr. Date of return: 7/12/88

Number of Signs: 1

Being Known as Lots 234, 235 & part of 236 plus part of Lots 239, 240, 241, 242, 243 and 244 as recorded in Resubdivision of Bird River Beach in Baltimore County Land Records WPC Lidet 7, Folio 187.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-5353

J. Robert Haines
Zoning Commissioner

March 29, 1988

NOTICE OF HEARING

Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 88-470-A
E/S Opie Road, 125' S of Baker Avenue
(S Opie Road)
11th Election District - 5th Councilmanic District
Petitioner(s): Michael C. Benicewicz, Sr., et al
HEARING SCHEDULED: FRIDAY, MAY 27, 1988 at 9:00 a.m.

Variance to allow an accessory structure (detached garage) to be located in the side yard in lieu of the required rear yard.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Michael Chester Benicewicz, Sr., et al
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-5353

J. Robert Haines
Zoning Commissioner

Date: 5/17/88

Mr. & Mrs. Michael Chester Benicewicz, Sr.
8 Opie Road
White Marsh, Maryland 21162

Re: Petition for Zoning Variance
CASE NUMBER: 88-470-A
E/S Opie Road, 125' S of Baker Avenue
(S Opie Road)
11th Election District - 5th Councilmanic District
Petitioner(s): Michael C. Benicewicz, Sr., et al
HEARING SCHEDULED: FRIDAY, MAY 27, 1988 at 9:00 a.m.

Dear Mr. & Mrs. Benicewicz:

Please be advised that \$74.78 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post set(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before the hearing is held to begin.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 52740

DATE: 5/27/88 ACCOUNT: R-01-615-000

AMOUNT: \$ 74.78

RECEIVED FROM: Michael Benicewicz

FOR: 5/27/88

8 013*****74781 52740

VALIDATION OR SIGNATURE OF CASHIER

and post set(s), there for each set not

ours.

Haines

AINES

designator of

ounty

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
16th day of March, 1988.

J. Robert Haines
ZONING COMMISSIONER

Petitioner Michael C. Benicewicz, Sr., Received by: J. Robert Haines
Petitioner's Attorney at the Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 6, 1988

COUNTY OFFICE BUILDING
111 W. Chesapeake Ave.
Towson, Maryland 21204

MEMBERS

Bureau of Engineering

Department of Traffic Engineering

State Roads Commission

Bureau of Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

Industrial Development

Mr. & Mrs. Michael Benicewicz, Sr.
8 Opie Road
White Marsh, Maryland 21162

RE: Item No. 316 - Case No. 88-470-A
Petitioner: Michael C. Benicewicz, Sr., et al
Petition for Zoning Variance

Dear Mr. & Mrs. Benicewicz:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:dlt

Enclosures

Baltimore County
Fire Department
Towson, Maryland 21204-2536
494-4500

Paul H. Reincke
Chief

March 11, 1988

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: Michael C. Benicewicz, Sr.

Location: E/S Opie Rd., 125' S. of Baker Avenue

Item No.: 316

Zoning Agenda: Meeting of 3/15/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] Noted and Approved: [Signature]
Special Inspection Division Fire Prevention Bureau

/s/

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner

Date: April 13, 1988

FROM: P. David Fields
Director of Planning and Zoning
Zoning Petition No. 88-463-SpHA,
88-466-SpHA, 88-468-SpHA, 88-470-A,
SUBJECT: 88-472-A, 88-473-A, 88-474-A, 88-475-A, 88-476-A

There are no comprehensive planning factors requiring comment on this petition.

P. David Fields
Director

PDF:JCH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

RECEIVED
APR 15 1988
ZONING OFFICE

cc: Michael C. Benicewicz, Sr., et al

CPS-008 4-15-88 (f)